

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

Criminal No. 5:09-CR-227-F-1
Civil No. 5:11-CV-553-F

THOMAS RAY NICHOLS,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

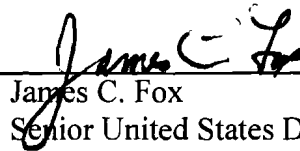
)
)
)
)
)
)
)

ORDER

Having conducted an examination of petitioner's motion pursuant to Rule 4(b) of the Rules Governing § 2255 Proceedings and it appearing that dismissal is not warranted at this time, the United States Attorney is DIRECTED to file an Answer pursuant to Rule 5, Rules Governing § 2255 Proceedings, or to make such other response as appropriate to the above-captioned § 2255 Motion to Vacate, Set Aside or Correct Sentence, within **forty (40)** days of the filing of this order.

SO ORDERED.

This the 12th day of October , 2011.



James C. Fox
Senior United States District Judge